

09/928,546

REMARKS

In order to be fully responsive to the official action of August 9, 2005, the Applicant hereby amends claim 1 in the manner as required by the Examiner to avoid abandonment of the present reissue application.

The Applicant reiterates that this amendment, which the Examiner considers to have been part of the prosecution, was inadvertent and never properly submitted, nor entered as an amendment according to the United States Patent and Trademark Office rules and regulations or 37 CFR 1.173.

However, in order to alleviate this issue and expedite the prosecution in the present case, the Applicant has complied with the Examiner's requirement to amend claim 1 as set forth above. The Applicant has also filed, concurrently with this response, a Request for Continued Examination and a Preliminary Amendment to correct the above noted amendment. For purposes of brevity, further discussion of this matter is referred to the RCE and Preliminary Amendment filed herewith.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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